

Deficiency Progress Report- Update 1

Received August 17, 2009

To complete the evaluation process, Cal/EPA requires the CUPAs to submit Deficiency Progress Reports that explain the CUPA's progress towards correcting the identified deficiencies. Deficiency Progress Reports are due every 90 days after the evaluation date until all deficiencies have been corrected.

CUPA: Sutter County Health Department

Evaluation Date: May 13 and 14, 2009

Evaluators:

Cal/EPA: Mary Wren-Wilson

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OFSM: Jennifer Lorenzo

DTSC: Mark Pear

Date Update 1 submitted: August 17, 2009

Deficiencies corrected with Update 1: 1, 6, 7, and 8

Update 2 due: November 10, 2009

Deficiency 1: The CUPA Annual Reports 2, 3, 4, and Semi-Annual Report 6 did not accurately reflect the activities of the CUPA during the past three reporting years.

Preliminary Corrective Action(s): By September 30, 2009, the CUPA will ensure that single fee, inspections and enforcement actions are accurately reported in the 2008/2009 Annual Summary Reports 2, 3, and 4.

By September 1, 2009, the CUPA will ensure that the information reported on the Semi-Annual Report 6 will be as accurate as possible.

CUPA Corrective Action, (Update 1): By September 30, the CUPA will ensure that single fee, inspections and enforcement actions are accurately reported in the 2008-09 Annual Summary Reports 2, 3, and 4. By September 1, 2009, the CUPA will ensure that the information reported on Semi-Annual Report 6 will be as accurate as possible.

CalEPA Response: Summary Reports 2, 3, and 4 submitted 8/25/09 for FY 2008-09 appear to accurately reflect the single fee, inspection, and enforcement activities of the CUPA. CalEPA considers this deficiency corrected.

DTSC Response: DTSC considers this deficiency corrected

SWRCB Response: The SWRCB has received the CUPA's currently due Report 6 before the due date. The information reported appears correct. The SWRCB will consider this deficiency corrected once CalEPA receives the current Reports 2, 3, and 4 and is satisfied that the numbers match amongst the four reports.

Deficiency 2: Based on the submitted Annual Single Fee Summary Report 2, the CUPA is not assessing the state surcharges for some of its regulated businesses.

Preliminary Corrective Action(s): Beginning immediately, the CUPA will assess all applicable state surcharges on all of its regulated facilities.

In addition, the CUPA will assess and submit all uncollected state surcharges for fiscal years 05/06, 06/07, and 07/08.

With the first deficiency progress report, the CUPA will submit one of the following:

- A plan for assessing and submitting all applicable state surcharges for fiscal years 05/06, 06/07, and 07/08.

Or

- A financial audit showing why the fees were not required to be assessed and submitted for fiscal years 05/06, 06/07, and 07/08.

CUPA Corrective Action, (Update 1): The CUPA will make sure all applicable state surcharges on all of its regulated facilities are assessed. Please see attached copies of invoices reflecting multiple program element fees.

CalEPA Response: While the submitted invoice copies address a portion of the deficiency, they do not address the uncollected state surcharges as stated in the final Summary of Findings submitted to your office on July 27, 2009. Please review the Summary of Findings and the Preliminary Corrective Action listed for Deficiency #2.

On the next Update, due November 10, 2009, please submit a plan for assessing and submitting all applicable state surcharges for fiscal years 05/06, 06/07, and 07/08.

Or

- A financial audit showing why the fees were not required to be assessed and submitted for fiscal years 05/06, 06/07, and 07/08.

Deficiency 3: The CUPA's UST facility files reviewed did not contain Designated Operator/Owner Understanding and Compliance statements or they were not current.

Preliminary Corrective Action(s): By May 29, 2009, the CUPA will review UST files for the required statements and will request these to be submitted during the annual inspections from the UST owner/operators as necessary.

CUPA Corrective Action, (Update 1): The CUPA has reviewed all permit files for current Designated Operator/Owner Understanding and Compliance Statements. The CUPA has identified 4 facilities with incomplete or outdated Designated Operator/Owner Understanding and Compliance Statements. Owner/Operators will be notified by mail 30 days prior to their annual inspection.

SWRCB Response: The SWRCB appreciates the efforts that the CUPA has made to make their files current. The importance of collecting the Operator/Owner statement is such that the CUPA should not wait until the next inspection to collect these forms. The SWRCB asks the CUPA to contact the 4 facilities and have them submit the required information immediately. Please update us with your next progress report

Deficiency 4: The CUPA's UST facility files reviewed did not contain monitoring or response plans or they were not current.

Preliminary Corrective Action(s): The CUPA will request monitoring and response plans to be submitted during the annual inspections from the UST owner/operators as necessary.

By May 14, 2010 all UST facility files will contain approved monitoring and response plans. Also the CUPA should update its files with the new Forms A (Facility Information), B (Tank Information), and D (Monitoring) which contain new fields of information not on the old forms. This is part of the new Title 27 regulations adopted last year.

CUPA Corrective Action, (Update 1): The CUPA has reviewed all permit files for current Monitoring and Response Plans. The CUPA has identified one facility with incomplete or outdated Monitoring and Response Plans. The Owner/Operator will be notified by mail 30 days prior to their annual inspection. The CUPA will also require all facilities to submit updated Forms "A", "B", & "D" during annual inspection.

SWRCB Response: The SWRCB would like to see a copy of the letter being sent to the UST facilities as described in the update for Deficiencies 4 and 5 in the next progress report.

Deficiency 5: The UST plot plans did not contain all the required elements. The plot plans were missing the location(s) of where the monitoring will be performed. Examples of missing locations include the sensors for tanks, sumps, under-dispenser containments (UDCs), line leak detectors, and monitoring panels for automatic tank gauge (ATG) and alarms.

Preliminary Corrective Action(s): Beginning immediately, UST plot plan requirements will be modified to include location of all leak detection monitoring equipment. The CUPA will request for updated plot plans to be submitted by the time the UST facility is annually inspected. In addition, the CUPA will ensure that new permit application materials also contain completed plot plans. By May 14, 2010, the CUPA will ensure that all UST plot plans contain all the required elements.

CUPA Corrective Action, (Update 1): The CUPA has reviewed all permit files for accurate plot plans which show leak detection monitoring equipment locations. The CUPA has identified 39 facilities with incomplete plot maps. The Owner/Operators will be notified by mail 30 days prior to their annual inspection.

SWRCB Response: The SWRCB would like to see a copy of the letter being sent to the UST facilities as described in the update for Deficiencies 4 and 5 in the next progress report

Deficiency 6: The CUPA inspector has not been trained or made aware of the need to report Significant Operational Compliance (SOC) violations after the routine inspection on the Report 6 and therefore, the CUPA does not report SOC criteria on the Semi-Annual Report 6.

Preliminary Corrective Action(s): Before the next routine inspection of an UST facility, the CUPA UST inspectors will review and study the SOC Matrices for California which include the Release Detection Matrix and Release Prevention Matrix. The CUPA can also review the SOC Training PowerPoint presentation developed by SWRCB. Additionally, the SWRCB is available to conduct training and assist with identifying SOC criteria on the CUPA's Compliance Inspection Checklist.

On the first progress report, the CUPA shall include the status of the UST inspectors' reviews of the SOC Matrices for California as evidenced via a signature sheet or similar form.

CUPA Corrective Action, (Update 1): Training was provided (see attached form) to inspection staff on July 28, 2009. We will make necessary corrections to January-June 2009 Unified Program Report 6.

SWRCB Response: The SWRCB notes that the CUPA has reported SOC criteria on their most recent Report 6 submitted. The SWRCB appreciates the CUPA following up with training of the UST Inspector. The SWRCB considers this deficiency corrected.

Deficiency 7: The CUPA is not verifying that the information on the Hazardous Materials Inventory statements is being entered completely by each regulated business.

Preliminary Corrective Action(s): By July 13, 2009, the CUPA will develop a plan to ensure that all information on the inventory statements is complete.

On the first progress report, the CUPA will submit sample inventory statements recently received by the CUPA.

CUPA Corrective Action, (Update 1): The CUPA will make sure that all information on the inventory statements is complete. Please see the attached sample inventory statements recently received by the CUPA.

OSFM Response: The CUPA has satisfactorily corrected this deficiency; no further update is required.

Deficiency 8: The CUPA missed the application of one regulation during the hazardous waste oversight inspection. During the hazardous waste generator inspection, the following was noted:

The inspector overlooked whether the facility had maintained its hard plumbed eyewash as required by code.

Preliminary Corrective Action(s): On the first progress report, the CUPA inspector shall send documentation that the facility has corrected this deficiency.

CUPA Corrective Action, (Update 1): Please see the Self-Certification of Return to Compliance form indicating that the facility has corrected this deficiency.

DTSC Response: DTSC considers this deficiency corrected